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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,277	Applicant(s) EOM ET AL.	
	Examiner P. Agustin	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-18 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-5,8-18 and 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-5, 8-18 & 22 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 8-18 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (EP 1067545 A2) in view of the admitted prior art.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

In regard to claim 1, Lee et al. disclose a recording medium having sectors where data is recorded (see Figure 1), wherein: each respective one of the sectors has a data identification area (b31-b0), in which information identifying the type of data recorded in the respective sector is recorded (note DATA TYPE), and the data identification area indicates whether the data recorded in that sector is linking data (as shown by 0 & 1 bits of b25); and each respective one of the sectors has a main data area.

However, Lee et al. do not disclose: in regard to claim 1, that dummy data is recorded in the main area of the sector in which the information recorded in the data identification area indicates that the recorded data is linking data; in regard to claim 3, that 0 kilobytes (KB) are assigned to a dummy data area of the sector by linking after 32 kilobytes (KB) area assigned to a

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dummy data area of the sector by linking; in regard to claim 4, that 2 KB are assigned to a dummy data area of the sector by linking; and in regard to claim 5, that 32 KB are assigned to a dummy data area of the sector by linking.

The admitted prior art discloses: in regard to claim 1, recording dummy data in the main area of the sector in which the information recorded in the data identification area indicates that the recorded data is linking data (see paragraph 0005, last four lines); in regard to claim 3, that 0 kilobytes (KB) are assigned to a dummy data area of the sector by linking after 32 kilobytes (KB) area assigned to a dummy data area of the sector by linking (Figure 1C); in regard to claim 4, that 2 KB are assigned to a dummy data area of the sector by linking (Figure 1A); and in regard to claim 5, that 32 KB are assigned to a dummy data area of the sector by linking (Figure 1B).

It would have been obvious to one of ordinary skill in the art at the time of invention by the Applicant to have applied the teachings of the admitted prior art to the recording medium of Lee et al., the motivation being to improve correction of an ECC block (see paragraph 0005, last two lines).

Furthermore, Lee et al. disclose: in regard to claim 10, that said data type identification information area (Figure 1) comprises a sector information field (b31-b24) and a sector number field (b23-b0); in regard to claim 11, that said sector information field (b31-b24) comprises a sector format type field (b31), a tracking method field (b30), a reflectance field (b29), a reserve field (b28), an area type field (b27 & b26), a data type field (b25) and a number-of-layers field (b24); in regard to claim 12, that information of the sector format type field (b31) indicates a constant linear velocity (CLV) or zone constant linear velocity (ZCLV) as follows: a first type of

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bit (0) indicates CLV format type; and a second type of bit (1) indicates ZCLV format type, specified for rewritable discs; in regard to claim 13, that information of the tracking method field (b30) indicates pit tracking or groove tracking as follows: a first type of bit (0) indicates pit tracking; and a second type of bit (1) indicates groove tracking, specified for rewritable discs; in regard to claim 14, that information of the reflectance field (b29) indicates whether or not reflectance exceeds 40% as follows: a first type of bit (0) indicates reflectance is greater than 40%; and a second type of bit (1) indicates reflectance is less than or equal to 40%; in regard to claim 15, that information of the reserve field indicates a reserve bit (b28); in regard to claim 16, that information of the area type field (b27 & b26) indicates a data area, a lead-in area, a lead-out area, or a middle area for a read-only disc as follows: 00b indicates data area; 01b indicates lead-in area; 10b indicates lead-out area; and 11b indicates a middle area of a read-only disc (as shown); in regard to claim 17, that information of the data type field (b25) indicates read-only area, or the linking data as follows: a first type of bit (0) indicates a read-only area; and a second type of bit (1) indicates a linking area; and in regard to claim 18, that information of the number-of-layers field (b24) indicates the number of layers in a single layer disc or a dual layer disc as follows: a first type of bit (0) indicates layer 0 of a dual layer disc or a single layer disc; and a second type of bit (1) indicates layer 1 of a dual layer disc.

Claims 8, 9 & 22 have limitations that are similar to those of claim 1; thus, they are rejected on the same basis.

Response to Arguments

4. In view of Applicant's amendment to independent claims 1, 8 & 22 and arguments on page 6, paragraph 7 thru page 8, paragraph 1, the rejection of claims 1, 3-5, 8-18 & 22 under 35

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U.S.C. § 112-2nd paragraph, the rejection of claims 1, 3-5, 8, 9 & 22 under 35 U.S.C. § 102(b) over the admitted prior art, and the rejection of claims 10-18 under 35 U.S.C. § 103(a) over the admitted prior art in view of Lee et al. are withdrawn.

5. The Applicant argues on page 8, paragraphs 2-4 that Ueki does not disclose a recording medium in which each sector has information about whether data recorded therein is linking data. This is found persuasive; therefore, the rejections of claims 1, 3-5, 8-18 & 22 under 35 U.S.C. § 103(a) over Ueki in combination with other references are withdrawn.

6. The Applicant argues on page 8, paragraph 5 that Lee et al. no longer qualifies as prior art in light of the statement of common ownership and MPEP § 706(l). The Examiner disagrees. The section cited by the Applicant only applies to rejections under 35 U.S.C. § 103(a) using prior art under only 35 U.S.C. § 102 (e), (f), or (g). In this case, the Lee et al. reference was published on January 1, 2001, qualifying Lee et al. as prior art under 35 U.S.C. 102(a), and therefore, it will not be disqualified as prior art. See MPEP § 706.02(l).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. Agustin
Art Unit 2627


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER